

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:03-00193

ANTHONY MICHAEL THORNE

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On September 14, 2017, the United States of America appeared by Timothy D. Boggess, Assistant United States Attorney, and the defendant, Anthony Michael Thorne, appeared in person and by his counsel, David R. Bungard, Assistant Federal Public Defender, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Patrick M. Fidler. The defendant commenced a 46-month term of supervised release in this action on January 21, 2014, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on June 20, 2013.

The court heard the evidence, the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant violated federal and state law inasmuch as on August 16, 2016, he possessed with intent to distribute various controlled substances consisting of .2 gram of methamphetamine, 2.35 grams of heroin and 218 Xanax pills, as well as marijuana, LSD, mushrooms, Suboxone strips and morphine pills; (2) the defendant violated federal and state law inasmuch as on August 18, 2014, he was in possession of methamphetamine, cocaine, heroin and oxycodone as evidenced by his admission on the record of the hearing that the government possesses sufficient proof to prove the violation by a preponderance of the evidence; (3) the defendant violated the condition that he not use any method or device to evade a drug screen inasmuch as on August 14, 2014, he admitted to Chief United States Probation Officer Troy Lanham that he had falsified a drug test taken on August 13, 2014, as evidenced by his admission on the record of the hearing; and (4) the defendant used and possessed methamphetamine, amphetamine, and opiates as evidenced by a positive urine sample submitted by him on July 10, 2017, as well as his admission to the probation officer that he had used methamphetamine three days prior and

heroin two days prior and his further admission thereof on the record of the hearing; all as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of EIGHTEEN (18) MONTHS, to be followed by a term of two (2) years of supervised release upon the standard conditions of supervised release now in effect in this district as promulgated by the Administrative Office of the United States Courts (National Form


AO 245B) and the standard conditions as set forth in Local Rule 32.3.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be designated to an institution as close to Charleston, West Virginia, as feasible.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: September 21, 2017

  
John T. Copenhaver, Jr.  
United States District Judge